

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 32789 of 2001(C)

PETITIONER:

HAMZA NAYARUVEETIL,
S/O.N.MOHAMMED,
NAYARUVEETIL HOUSE,
A.R.NAGAR P.O.,
MALAPPURAM.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

1. THE PASSPORT OFFICER,
KOZHIKODE.
2. PUBLIC RELATIONS OFFICER,
PASSPORT OFFICE, KOZHIKODE.

BY ADV. SRI.JOHN VARGHESE, ASST.S.G.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P. NO.53389/2001 IN O.P. NO.32789/2001

DISMISSED:

14.3.2007

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE EXTRACT FROM THE ADMISSION REGISTER ISSUED BY THE HEADMASTER DT.19.9.1983 SHOWING THE DATE OF BIRTH OF THE PETITIONER.

P2: TRUE COPY OF THE LETTER DT.24.9.2001 ISSUED BY R1.

RESPONDENT'S EXHIBITS:

R1(a): TRUE COPY OF EXTRACT OF ADMISSION REGISTER ISSUED ON 19.9.83 BY R1.

R1(b): TRUE COPY OF LETTER SENT BY PETITIONER TO R1 DT.NIL.

R1(c): TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT MANUAL.

R1(d): TRUE COPY OF LETTER ISSUED BY R1 DT.10.8.01.

R1(e): TRUE COPY OF REMINDER ISSUED BY R1 DT.24.9.01 TO THE PETITIONER.

R1(f): TRUE COPY OF LETTER SENT BY PETITIONER TO R1 DT.10.10.01.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.32789 of 2001
.....

Dated this the 14th day of March, 2007.

JUDGMENT

The petitioner was issued a Passport in 1982 with date of birth as 6.7.1958. The Assistant Solicitor General appearing for respondents contended that when petitioner applied for renewal of Passport, Police verification was called for and Police reported petitioner's actual date of birth as 17.11.1964. However, according to him, correction could not be made because Government Orders issued pursuant to direction of this court provide for declaration by Magistrate about date of birth. The Passport Officer has issued a communication to the petitioner to apply before the Magistrate and get his date of birth declared. I do not think petitioner can have any grievance about this proposal. If petitioner makes an application before the Judicial Magistrate within whose jurisdiction petitioner resides, then there will be direction to the Magistrate to consider the application and evidence produced in support thereof, conduct enquiry and declare the date of birth of the petitioner within two months from the date of making application. The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms